STATE OF NEW YORK

9247

2025-2026 Regular Sessions

IN ASSEMBLY

November 7, 2025

Introduced by M. of A. DiPIETRO -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to prohibiting the release of personal medical records or information without a warrant or express written authorization of the individual

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 4 of section 400.00 of the penal law, as amended by chapter 371 of the laws of 2022, is amended to read as follows:

4. Investigation. Before a license is issued or renewed, there shall be an investigation of all statements required in the application by the duly constituted police authorities of the locality where such application is made, including but not limited to such records as may be accessible to the division of state police or division of criminal justice services pursuant to section 400.02 of this article. For that purpose, the records of the appropriate office of the department of mental hygiene concerning previous or present mental illness of the applicant shall be available for inspection by the investigating officer of the police authority. Where the applicant is domiciled in a foreign state, the investigation shall include inquiry of the foreign state for records concerning the previous or present mental illness of the applicant, and, to the extent necessary for inspection by the investigating officer, the applicant shall execute a waiver of confidentiality of such record in such form as may be required by the foreign state. In order to ascertain any previous criminal record, the investigating officer shall take the fingerprints and physical descriptive data in quadruplicate of each individual by whom the application is signed and verified. Two copies of such fingerprints shall be taken on standard fingerprint cards eight inches square, and one copy may be taken on a card supplied for that purpose by the federal bureau of investigation; provided, however, that

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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in the case of a corporate applicant that has already been issued a dealer in firearms license and seeks to operate a firearm dealership at a second or subsequent location, the original fingerprints on file may be used to ascertain any criminal record in the second or subsequent application unless any of the corporate officers have changed since the prior application, in which case the new corporate officer shall comply with procedures governing an initial application for such license. When completed, one standard card shall be forwarded to and retained by the division of criminal justice services in the executive department, at Albany. A search of the files of such division and written notification of the results of the search shall be forwarded to the investigating officer and shall be made without unnecessary delay. Thereafter, such division shall notify the licensing officer and the executive department, division of state police, Albany, of any criminal record of the applicant filed therein subsequent to the search of its files. A second standard card, or the one supplied by the federal bureau of investigation, as the case may be, shall be forwarded to that bureau at Washington with a request that the files of the bureau be searched and notification of the results of the search be made to the investigating police authority. Of the remaining two fingerprint cards, one shall be filed with the executive department, division of state police, Albany, within ten days after issuance of the license, and the other shall remain on file with the investigating police authority. No such fingerprints may be inspected by any person other than a peace officer, who is acting pursuant to [~~his or her~~] their special duties, or a police officer, except on order of a judge or justice of a court of record either upon notice to the licensee or without notice, as the judge or justice may deem appropriate. Upon completion of the investigation, the police authority shall report the results to the licensing officer without unnecessary delay. **Notwithstanding any other provision of law to the contrary neither the state police, the division of criminal justice services, nor any other law enforcement agency or employee thereof shall be permitted to access personal medical records and other medical information other than records required to be provided by the department of mental hygiene without a properly issued warrant, or the express written, notarized permission of the individual whose information is sought.**

§ 2. Section 400.02 of the penal law is amended by adding a new subdivision 3 to read as follows:

3. Notwithstanding any other provision of law to the contrary neither the state police, the division of criminal justice services, nor any other law enforcement agency or employee thereof shall be permitted to access personal medical records and other medical information other than records required to be provided by the department of mental hygiene without a properly issued warrant, or the express written, notarized permission of the individual whose information is sought.

§ 3. Subdivision 3 of section 400.00 of the penal law is amended by adding a new paragraph (c) to read as follows:

(c) (i) The application for a license to carry, possess, repair or dispose of firearms, or the renewal thereof, pursuant to this section shall not require the applicant to consent to the release of their personal medical records and other medical information, other than records required to be provided by the department of mental hygiene, as a condition of receiving or retaining such license unless the investigating agency has a reasonable belief that a medical issue exists which would justify the denial of a license pursuant to this section.

(ii) The state police, the division of criminal justice services, and any other law enforcement agency or employee thereof may request a consent from individuals for the release of their personal medical records or other medical information where such law enforcement agency has a reasonable belief that a medical issue exists which would justify the suspension or revocation of a license issued pursuant to this section.

§ 4. This act shall take effect immediately.